

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (CURRENTLY AMENDED) ~~Seed of soybean line~~ A seed of soybean cultivar designated 2386009, wherein a representative sample of seed of said line having been said cultivar was deposited under ATCC Accession No. PTA-_____
PTA-6772.
2. (ORIGINAL) A soybean plant, or a part thereof, produced by growing the seed of claim 1.
3. (ORIGINAL) A tissue culture of regenerable cells produced from the plant of claim 2.
4. (CURRENTLY AMENDED) ~~Protoplasts~~ A protoplast produced from the tissue culture of claim 3.
5. (CURRENTLY AMENDED) The tissue ~~culture of~~ culture according to claim 3, wherein said regenerable cells of the tissue culture are from a tissue produced from a plant part selected from the group consisting of leaf, pollen, embryo, root, root tip, anther, pistil, flower, seed, pod, and stem leaves, pollen, embryos, roots, root tips, anthers, pistils, flowers, seeds, pods, and stems.
6. (CURRENTLY AMENDED) A soybean plant regenerated from the tissue culture of claim 3, ~~said plant having all~~ wherein the regenerated plant has all of the morphological and physiological characteristics of line of soybean cultivar 2386009, representative seed of said line said cultivar having been deposited under ATCC Accession No. PTA-_____ PTA-6772.
7. (ORIGINAL) A method for producing an F1 hybrid soybean seed, comprising crossing the plant of claim 2 with a different soybean plant and harvesting the resultant F1 hybrid soybean seed.
8. – 9. (CANCELED)
10. (ORIGINAL) A method for producing a male sterile soybean plant

comprising transforming the soybean plant of claim 2 with a nucleic acid molecule that confers male sterility.

11. (ORIGINAL) A male sterile soybean plant produced by the method of claim 10.

12. (ORIGINAL) A method of producing an herbicide resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers herbicide resistance.

13. (ORIGINAL) An herbicide resistant soybean plant produced by the method of claim 12.

14. (CURRENTLY AMENDED) The soybean plant of claim 13, wherein the transgene confers resistance to an herbicide selected from the group ~~consisting of~~: consisting of imidazolinone, sulfonyleurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

15. (ORIGINAL) A method of producing an insect resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers insect resistance.

16. (ORIGINAL) An insect resistant soybean plant produced by the method of claim 15.

17. (ORIGINAL) The soybean plant of claim 16, wherein the transgene encodes a *Bacillus thuringiensis* endotoxin.

18. (ORIGINAL) A method of producing a disease resistant soybean plant comprising transforming the soybean plant of claim 2 with a transgene that confers disease resistance.

19. (ORIGINAL) A disease resistant soybean plant produced by the method of claim 18.

20. (CURRENTLY AMENDED) A method of producing a soybean plant with modified fatty acid metabolism or modified carbohydrate metabolism comprising transforming the soybean plant of claim 2 with a transgene encoding a protein selected from the group consisting of ~~stearyl-ACP desaturase~~, fructosyltransferase,

levansucrase, alpha-amylase, invertase and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase wherein the transgene is expressed.

21. (CURRENTLY AMENDED) A soybean plant having modified fatty acid metabolism or modified carbohydrate metabolism produced by the method of claim 20.

22. (CURRENTLY AMENDED) A soybean plant, ~~or part~~ or a part thereof, having ~~all the~~ all of the physiological and morphological characteristics of ~~the line~~ soybean cultivar 2386009, representative sample of seed of said line said cultivar having been deposited under ATCC Accession No. ~~PTA-_____~~ PTA-6772.

23. (CURRENTLY AMENDED) A method of introducing a desired trait into ~~soybean line~~ soybean cultivar 2386009 comprising:

- (a) crossing 2386009 plants grown from 2386009 seed, a representative sample of seed of which has been deposited under ATCC Accession No. PTA-_____ PTA-6772, with plants of another soybean ~~line that~~ cultivar that comprise and express a desired trait to produce ~~F1 progeny~~ progeny plants, wherein the desired trait is selected from the group consisting of male sterility, herbicide resistance, insect resistance, and disease resistance;
- (b) selecting ~~F1 progeny~~ one or more progeny plants that have and express the desired trait to produce selected ~~F1 progeny~~ progeny plants;
- (c) crossing the selected progeny plants with the 2386009 plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have and express the desired trait and all of the physiological and morphological characteristics of ~~soybean line~~ soybean cultivar 2386009 listed in Table 1 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) ~~one or~~ three or more times in succession to produce selected ~~second~~ fourth or higher backcross progeny plants that comprise and express the desired trait and all of the physiological and morphological characteristics of ~~soybean line~~ soybean cultivar 2386009

listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

24. (CURRENTLY AMENDED) A plant produced by the method of claim 23, wherein the plant has and expresses the desired trait and all of the physiological and morphological characteristics of ~~soybean-line~~ soybean cultivar 2386009 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

25. (CURRENTLY AMENDED) The plant of claim 24 wherein the desired trait is herbicide resistance and the resistance is conferred to an herbicide selected from the group ~~consisting of:~~ consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

26. (ORIGINAL) The plant of claim 24 wherein the desired trait is insect resistance and the insect resistance is conferred by a transgene encoding a *Bacillus thuringiensis* endotoxin.

27. (ORIGINAL) The plant of claim 24 wherein the desired trait is male sterility and the trait is conferred by a cytoplasmic nucleic acid molecule that confers male sterility.

28. (CURRENTLY AMENDED) A method of modifying fatty acid metabolism or ~~modified~~ modifying carbohydrate metabolism ~~into soybean-line~~ of soybean cultivar 2386009 comprising:

- (a) crossing 2386009 plants grown from 2386009 seed, ~~representative~~ a representative sample of seed of which has been deposited under ATCC Accession No. PTA- PTA-6772, with plants of another soybean ~~line that~~ cultivar that ~~comprise~~ and express a nucleic acid molecule encoding an enzyme selected from the group consisting of phytase, ~~stearyl-ACP desaturase~~, fructosyltransferase, levansucrase, alpha-amylase, invertase and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase;
- (b) selecting ~~F1 progeny~~ one or more progeny plants that have and express

- said nucleic acid molecule to produce selected ~~F1~~ progeny progeny plants;
- (c) crossing the selected progeny plants with the 2386009 plants to produce backcross progeny plants;
 - (d) selecting for backcross progeny plants that have and express said nucleic acid molecule and all of the physiological and morphological characteristics of ~~soybean-line~~ soybean cultivar 2386009 listed in Table 1 to produce selected backcross progeny plants; and
 - (e) repeating steps (c) and (d) ~~one or~~ three or more times in succession to produce selected ~~second~~ fourth or higher backcross progeny plants that comprise and express said nucleic acid molecule and have all of the physiological and morphological characteristics of ~~soybean-line~~ soybean cultivar 2386009 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

29. (CURRENTLY AMENDED) A plant produced by the method of claim 28, wherein the plant comprises and expresses the nucleic acid molecule and has all of the physiological and morphological characteristics of ~~soybean-line~~ soybean cultivar 2386009 listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.